



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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LEGAL NOTICE

Town of Westminister Planning Board
Notice of Public Hearing for:

Proposed Zoning Amendments Pursuant to MGL, Chapter 40A, Section 5

Notice is hereby given that the Planning Board will hold a public hearing on Tuesday, November 8, 2016 at 7:00 PM in Room 222, Westminister Town Hall, 11 South Street, on several amendments to the Zoning Bylaw:

Minor amendment to the Town's Adult Uses bylaw (Section 205-37.2) to clarify locational standards.

Full text of the proposed zoning amendments can be reviewed at the Town Clerk's office and the Planning Department office during regular Town Hall office hours.

Westminister Planning Board

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Planning Board proposed amendment (new language in red font)

§ 205-37.2. Adult entertainment facilities and activities. [Added ATM 5-6-2000 by Art. 30]

A. Purpose.

- (1) The purpose of these adult entertainment regulations of the Town of Westminster Zoning Bylaw is to address and mitigate the secondary effects of adult entertainment establishments. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate, adverse impacts on the property values of residential and commercial property and adverse impacts on the quality of life. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Westminster and its inhabitants.
- (2) The provisions of these regulations have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of these regulations to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that is protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of these regulations to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

B. For the purposes of this section, the term "adult entertainment facility" shall mean adult bookstores, adult live entertainment establishments, adult motion-picture theaters, adult mini-motion-picture theaters, adult video store, and adult paraphernalia store.

C. No special permit for an adult entertainment facility (as listed in the Table of Use Regulations¹) shall be granted except in accordance with the following conditions and requirements:

- (1) Shall not be located Within a radius of 1,400 feet of any type of residential zoning district.
- (2) Shall not be located Within a radius of 1,400 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under 18 years of age.
- (3) Shall not be located Within a radius of 1,400 feet of any church, synagogue, or permanently established place of religious services, which is attended by persons under 18 years of age, or day-care center.
- (4) Shall not be located Within a radius of 2,000 feet of any other adult entertainment facility.
- (5) Signs. Adult entertainment facilities shall be limited to one sign (freestanding or attached) with a total display area of no more than 10 square feet. The sign shall have no moving parts, shall be illuminated only by a direct, external lighting source, and shall be set back a minimum of 50 feet from all street or property lines.
- (6) Structures associated with the proposed use shall be located a minimum of 150 feet from any street line.

1. Editor's Note: The Table of Use Regulations is included at the end of this chapter.

- D. Application for a special permit submitted to the special permit granting authority (Westminster Planning Board) must include the following information:
- (1) Name and address of the legal owner of the adult entertainment facility.
 - (2) Name and address of all persons having a fee, equity and/or security interest in such facility. In the event a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the SPGA will know who are the persons who actually own and control the store or theater.
 - (3) Name and address of the manager.
 - (4) The number of employees, or proposed number of employees, as the case may be. Proposed security precautions, and the physical layout of the premises.
- E. Special permits for adult entertainment facilities shall not be granted to any person convicted of violating the provisions of Massachusetts General Laws Chapter 119, § 63, or Massachusetts General Laws Chapter 272, § 28. All persons listed on the application for a special permit as required in the previous subsection are subject to this prohibition. Special permits for adult entertainment facilities shall only be issued following public hearings held within 65 days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. The special permit granting authority shall act within 90 days following the public hearing for which notice has been given by publication or posting as provided in Massachusetts General Laws Chapter 40A, § 11, and by mailing to all parties in interest. Failure by the special permit granting authority to take final action upon an application for a special permit herein within said 90 days following the date of the public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by the special permit granting authority herein shall require an affirmative vote of four members of the five-member Board.
- F. A special permit granted herein shall lapse within one year, including such time to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, § 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- G. Any existing adult entertainment facility shall apply for such special permit within 90 days following the adoption of this section.
- H. If any of the provisions of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the section, or the application of such other provisions which may be given effect without the invalid provision or application thereof.